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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,519	05/25/2000	Atul Mishra	FN-3014	9353

7590 09/27/2004

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/580,519

Applicant(s)

MISHRA ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07/13/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al (U.S. 6,363,421) and Cohoe et al (U.S. 6,108,309).

As per claims 1, 3, 7 Barker disclosed a computer including software, for managing telecommunication network elements, comprising: one or more operator-driven processes which monitor and manage network elements, in real time (col. 40, lines 32-36), using at least one telecommunications network control channel; a database which reports attributes of ones of said network elements in response to queries from ones of said operator-driven processes (col. 22, lines 1-24);

However Barker failed to disclose in detail one or more background processes which monitor communications over said control channel and which parse all communications which imply network element status changes and which dynamically update said database accordingly, in real time.

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In the same field of endeavor Cohoe disclosed each of the core processes share and update common data through the use of shred memory that is organized in three main segments: a client connection segment that maintains client connection data including statuses and associated file descriptors; a mediation device management that contains the device type, the number of network elements under its span of control, and the TCP/IP port information; and a network element segment that contains detailed information about the state/status of each network element and its low level components and storage of alarms that network elements generate during the simulation execution (col. 9, lines 10-21).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated each of the core processes share and update common data through the use of shred memory that is organized in three main segments: a client connection segment that maintains client connection data including statuses and associated file descriptors; a mediation device management that contains the device type, the number of network elements under its span of control, and the TCP/IP port information; and a network element segment that contains detailed information about the state/status of each network element and its low level components and storage of alarms that network elements generate during the simulation execution as taught by Cohoe in the method of Barker to achieve a consistent and accurate view of the network element in both a cache of information immediately available to clients and a database.

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3. As per claims 2, 9 Barker-Cohoe disclosed wherein information from said database is dynamically linked into said operator-driven processes, so that said background processes dynamically update said operator-driven processes whenever a change is made to any element to which an operator-driven process is making read access (Cohoe, col. 8 lines 44-59).

4. As per claims 4, 8 Barker-Cohoe disclosed further comprising periodically repeating the steps of parsing the messages and dynamically updating the portions of the configuration status information (Cohoe, col. 9, lines 9-26).

5. As per claims 5, 11 Barker-Cohoe further comprising: receiving a query for current configuration data regarding a particular one of the plurality of network elements; and providing dynamically updated configuration status information regarding the particular one, in response to the query (Cohoe, col. 9, lines 9-26).

6. As per claims 6, 10 Barker-Cohoe further comprising: presenting a graphical representation of the database at a graphical user interface; and dynamically updating the graphical representation with dynamically updated status information regarding one or more of the plurality of network elements (Cohoe, col. 9, lines 41-59).

*Conclusion*

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

8. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

9. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

10. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

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BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER